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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,942	01/10/2001	Stephen Huxter	25350-705	9602

535 7590 12/14/2004

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EXAMINER

WEBB, JAMISUE A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,942

Applicant(s)

HUXTER, STEPHEN

Examiner

Jamisue A. Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the Amendment filed September 7, 2004.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 27, 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukuda (6,085,170) in view of Kara (6,233,568).
4. With respect to Claim 27, 29-33: Tsukuda discloses the use of a method for processing an order for a consumer product (see abstract) via the internet (Column 2, lines 37-41) comprising the steps of:
 - a. Receiving the order from the client (column 2, lines 37-41),
 - b. Identifying a first address (column 4, lines 62-67),
 - c. Identifying a collection point, referred to as an agent, (column 9, lines 38-46 and Figure 12),
 - d. Selecting a courier from a courier database (column 10, lines 13-22).
5. Tsukuda discloses all of this being done on a webpage, however fails to disclose the use of determining the price for delivery of a plurality of carriers and displaying the rates of multiple carriers. Kara discloses the use of determining and displaying the price of delivery of an item for

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multiple couriers to a destination address (See Figures 8 and 8A with corresponding detailed description). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tsukuda to have the display of courier cost, as disclosed by Kara, in order for the consumer to make an informed decision on the most preferred carrier. (See Kara abstract)

6. With respect to Claim 36: See Tsukuda, Column 10, lines 23-30.

7. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukuda in view of Attendahl, in further view of Kirsch (5,963,915).

8. Tsukuda and Attendahl, as disclosed above for Claim 27, disclosed the use of the orders being placed on the internet, but fails to disclose the address being embedded in a cookie. Kirsch discloses the use of a purchasing agreement being doing over the internet where cookies are used for addresses (column 7, line 43 to column 8, line 20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have information such as addresses embedded into a cookie, as disclosed by Kirsch, in order to eliminate redundant user input when completing a transaction over the internet (see Kirsch Column 2).

9. Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukuda and Kara as applied to claim 26 above, and further in view of Ogilvie et al. (6,344,796).

10. With respect to Claim 34: Tsukuda and Kara, as disclosed above, teaches the use of a collection point with a plurality of lockers, but fails to disclose the specifics of the locker, and the locker being controlled by a microcontroller. Ogilvie discloses a collection point with a

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plurality of lockers with a central controller that controls the locks of the locker (column 2, lines 1-8, column 4, lines 13-44) and with a unique identifier for each courier (column 4, line 54 to column 5, line 30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the collection point of Tsukuda be equipped with the locker system of Ogilvie, in order to provide a secure low cost unattended delivery collection point (See Ogilvie, column 1).

11. With respect to Claim 35: See Tsukuda, Column 5, lines 49-67.

Response to Arguments

12. Applicant's arguments with respect to claims 27-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

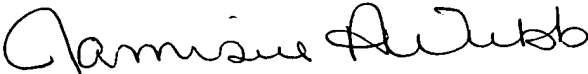
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (703) 308-8579.

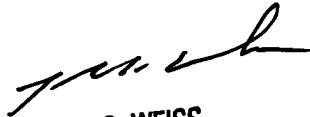
The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jamisue Webb


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
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